



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

APR - 2 1999

Mr. David O. Sucha, Supervisor  
Motor Bus & Limousine Regulatory Unit  
Passenger Transportation Division  
Department of Transportation  
Post Office Box 30050  
Lansing, Michigan 48909

Ref. No. 99-0050

Dear Mr. Sucha:

This is in response to your letter of October 8, 1998, requesting clarification on the requirements for transporting oxygen cylinders in the baggage compartment of a passenger carrying motor vehicle under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

The HMR apply to transportation of hazardous materials in commerce. A cylinder of oxygen used by a passenger for medical reasons is not regulated under the HMR; however, spare oxygen cylinders must be transported in conformance with the HMR. Therefore, proper marking and labeling and shipping paper documentation is necessary for spare oxygen cylinders. Regulations addressing the transportation of hazardous materials aboard a passenger carrying motor vehicle may be found in § 177.870.

I hope this information is helpful.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



990050

177.870

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JAMES R. DeSANA, DIRECTOR

lavalle  
§ 177.870  
99-0050

October 8, 1998

Mr. Kenneth L. Pierson  
Director, Office of Motor  
Carrier Standards  
U.S. Department of Transportation  
Federal Highway Administration  
400 Seventh Street, S.W.  
Washington, DC 20590

RE: HCS-10

Dear Mr. Pierson:

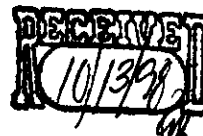
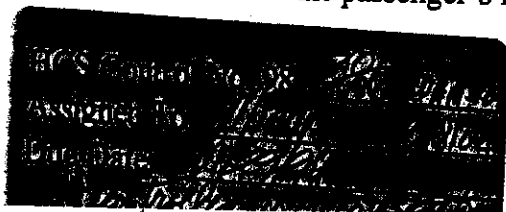
Please refer to your attached interpretation regarding section 177.870 as it applies to the carriage of oxygen cylinders in the passenger compartment of passenger carrying vehicles.

We are unclear what regulations apply to the carriage of spare oxygen cylinders when transported in the baggage compartment of an intercity motorcoach.

We recently experienced a situation where a passenger boarded an intercity bus traveled with an oxygen cylinder in the passenger compartment of the bus and transported two spare oxygen cylinders as checked baggage in the baggage compartment of the bus. We understand that the spare oxygen cylinders were packed in a box with Styrofoam nuggets to prevent movement and contact with one another. The question arose regarding the proper carriage of spare oxygen cylinders medically necessary for a passenger's health in the baggage compartment of the bus and the applicability of the Department's Hazardous Materials Regulations.

When spare oxygen cylinders accompany a passenger traveling on board a motorcoach in fixed route scheduled intercity service and are transported in the baggage compartment:

- 1) Are the spare oxygen cylinders subject to the Department's Hazardous Materials Regulations (49 CFR Parts 100-199)? If so, what specific sections apply?
- 2) Are the spare oxygen cylinders considered to be "personal conveyance" (part of the passenger's luggage) or cargo (package express)?



Mr. Kenneth Pierson

October 8, 1998

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We would appreciate your interpretation, guidance and advice on this particular situation at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "David O. Sucha". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

David O. Sucha, Supervisor  
Motor Bus & Limousine Regulatory Unit  
Passenger Transportation Division

Attachment